

I. Improper Dependency

Claims 37 and 39 were subject to objection under 37 C.F.R. §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Independent Claim 36 has been amended to clarify that which was evident from dependent Claims 37 and 39. Specifically, what was element (c) of Claim 36 (now element (d) of Claim 36), encompasses numerous hybridization-related mechanisms by which a double-stranded reporter moiety may be produced. Claim 37 specifies one mechanism - “upon hybridization of the reporter moiety to the complement of the adapter sequence,” and Claim 39 specifies another mechanism - “upon synthesis of a complement of the reporter moiety.” Moreover, Claim 38 is dependent from Claim 37, not from Claim 39, because Claim 38 specifies the reporter as a molecular beacon, and molecular beacons cause the formation of double-stranded reporter moieties upon hybridization, not upon synthesis of a complement.

II. Indefiniteness

Claims 36-47 were rejected under 35 U.S.C. §112, second paragraph for allegedly being indefiniteness.

A. Regarding Claim 36, it was asserted that the nature of the association among the primers, templates, and newly synthesized nucleic acid molecules is not clear. Claim 36 has been amended to include the allegedly missing steps

B. Regarding Claim 36(a), the claim has been amended per the Examiner’s suggestion.

C. Regarding Claim 38, it was asserted that the term “molecular beacon” is not clear because it is not defined in the claims or specification. However, such a definition is provided at page 8, lines 27-29 of the present application.

D. Regarding Claim 40, it was asserted that the phrase “specialized sequence” is confusing because it is not clearly defined. However, “specialized sequence” is defined at page 9, lines 2-8.

It was further asserted that neither “specialized sequence” nor “secondary structure” have antecedent basis in Claim 40. However, neither “specialized sequence” nor “secondary structure” requires antecedent basis in Claim 40, because these terms are used to further define “the reporter moiety” by means of a Markush group.

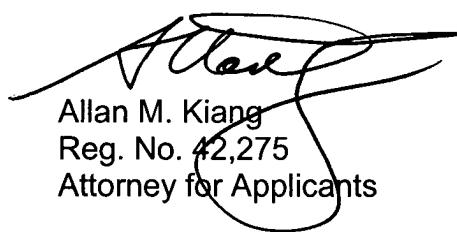
E. Regarding Claim 46, it was asserted that the phrase “multiple signal primers” is unclear. Claim 46 is written to encompass detection of a single target sequence as well as multiple target sequences. Support for detection of a single target sequence can be found on page 10, lines 17 – 24. Support for detection of multiple target sequences can be found on page 10, line 25 through page 11, line 11.

CONCLUSIONS

The claims of the present application are believed to be in condition for allowance. The Examiner is urged to telephone the undersigned regarding any further issues regarding this application.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned “Version with Markings to Show Changes Made.”

Respectfully submitted,



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